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Gazette Opinion: How to get worst DUI drivers to stop

Maximum penalty for fourth-offense driving under the influence in Montana: 13 months.

Maximum penalty for fifth-offense DUI: 13 months.

Maximum penalty for ninth-offense DUI: 13 months.

It makes no sense that a crime that puts public safety at great risk carries no greater punishment for repeated offenses. And the fact that so many offenders keep offending indicates that the sanctions for felony DUI (fourth and subsequent offenses) aren't as effective as they should be.

Montana law mandates that all felony DUI offenders complete a six-month alcoholism treatment program while locked up in a state facility at Warm Springs. The program, called WATCH (Warm Springs Addiction Treatment and Change), has proven successful at keeping the majority of its graduates from driving drunk again. But some of the worst offenders never get into the program because they manage to have their sentencing delayed until they've already spent several months in jail. If they don't have six months left out of the 13 by the time they go before the judge, they sit out the rest of their sentence without time for treatment.

Legislation needed

Yellowstone County Attorney Dennis Paxinos wants to close that loophole that allows some of the worst repeat DUI offenders to get away without confronting the addiction that is the root cause of their crimes. Paxinos supports a proposal from the Montana Association of County Attorneys that would give judges greater discretion in sentencing felony DUI offenders to more than 13 months with the Department of Corrections.

The opposition to stronger DUI penalties usually brings up the cost. The state can't afford the cost of locking them up longer, the naysayers will cry. In fact, the state pays much more as the repeat offenders keep coming through the courts, and kill or injure innocent victims while driving drunk.

Paxinos argues that a provision for longer sentence would actually speed up the justice process by giving those charged with felony DUI a greater incentive to plead guilty, get through the treatment program and get out. Most offenders wouldn't spend more time locked up, but their incarceration

time would be used for addiction treatment, he says.

Increase accountability

Paxinos is right. Montana law needs to reflect the severity of repeat felony DUI offenses and recognize that treatment is the most effective long-term solution. Drunken drivers were responsible for nine deaths in Yellowstone County in the first 11½ months of this year, and county prosecutors have filed nearly 100 felony DUI charges. Statewide, alcohol use has been identified as a factor in 89 traffic deaths for 2008, according to Montana Highway Patrol data.

We urge all Montana lawmakers to support legislation in 2009 that will be introduced by Rep. Robyn Driscoll of Billings to curb felony DUI. Yellowstone County lawmakers should lead the way.

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